

United States District Court
Southern District of Texas
FILED

TDH

JUN 10 2005

Michael N. Milby, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
ENTERED

JUN 14 2005

Michael N. Milby, Clerk
Laredo Division

UNITED STATES OF AMERICA

v.

ENRIQUE VARELA RAMOS

§
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§

CRIMINAL NO. L- 04-1912

ORDER

Pending before the Court is Defendant's Motion to Reinstate, filed May 25, 2005 [Doc. No. 21]. Judgment was entered on March 7, 2005 [Doc. No. 20]. Under most circumstances, an appeal must be made within 10 days from the entry of judgment. *See* FED. R. APP. P. 4(b)(1). Therefore, the Defendant's motion is untimely as any sort of motion for direct appeal. In addition, the Defendant filed a Notice of Non-Appeal on March 2, 2005 [Doc. No. 19].

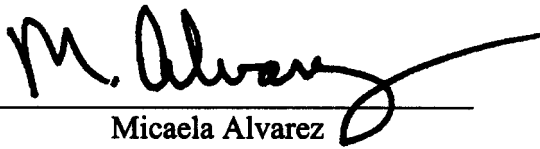
Moreover, Defendant's motion is curious, even approaching the bizarre. Defendant was sentenced to 18 months for the instant offense and 6 months based on the revocation of probation in case No. 5:03-cr-1262. As ordered by the Court, these sentences will run consecutively, with the total time assessed the Defendant as 24 months [*See* Doc. No. 18].

Yet in Defendant's motion he "respectfully request(sic) this honorable Court to...resentence this petitioner to a twenty four months(sic) of imprisonment." [Doc. No. 21, p. 3]. Defendant is petitioning the Court for what he has already received, viz., a sentence of 24 months; moreover, his judgment has long since been final.

For the foregoing reasons, Defendant's Motion to Reinstate is hereby **DENIED**.

IT IS SO ORDERED.

DONE this 10th day of June, 2005.



Micaela Alvarez
UNITED STATES DISTRICT JUDGE

**To Insure Proper Notice, Each Party Who Receives
This Order Shall Forward a Copy of it to Every Other
Party And Affected Non-party Even Though They May
Have Been Sent One by The Court.**

CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
P.O. BOX 597
LAREDO, TEXAS 78042-0597
OFFICIAL BUSINESS

*Enrique Varela-Ramos #26182-179
Giles W Dalby Correctional Facility
805 North Ave F
Post TX 79356-9304*

